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(to be used for all correspondence after initial filing)

Information Disclosure Statement

Certified Copy of Priority

Document(s)

11-13-06 oc-4700

4143/CIP-3

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 09/928,726 TRANSMITTAL **Filing Date** 08/13/2001 RECEIVED First Named Inventor **FORM** Jaeger Art Unit 2674 **Examiner Name** Eisen

<u>OFFICE OF PETITIONS</u> Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): PTO Reply Poscard; Request for Refund **Express Abandonment Request** Exhibits to Petition (24 pp.)

Landscape Table on CD

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Remarks

Attorney Docket Number

Incomplet	Missing Parts/ te Application eply to Missing Parts nder 37 CFR 1.52 or 1.53			
	SIGNA	TURE OF APPLICANT, ATT	ORNEY, C	OR AGENT
Firm Name	Zimmerman & Cronen, LL	.Р		
Signature	dain same			
Printed name	Harris Zimmerman			
Date	11/08/2006		Reg. No.	16,437`

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Date Harris Zimmerman Typed or printed name

11/08/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Denny Jaeger

Examiner: Alexander Eisen

Serial No.

09/928,726

Filed 08/13/2001

For:

Method and Apparatus for Detecting Activation

Group Art Unit: 2674

of a Controller Device

Docket

4143/CIP-3

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RENEWED PETITION UNDER 37 CFR 1.181

This Petition is respectfully submitted to withdraw a holding of abandonment of the above application under 37 CFR 1.181.

On September 24, 2004, Applicant filed a "PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO F.R.C.P. §1.181", following receipt of a "Notice of Abandonment" dated September 14, 2004, which stated that the application was abandoned in view of "Applicant's failure to timely file a proper reply to the office letter mailed on 06 January, 2004."

As pointed out in such Petition, the Notice of Abandonment was sent out in error for the following reasons:

On January 6, 2004, the examiner in the above application, Alexander Eisen, issued an Office Action in which certain claims were allowed, one claim was rejected over the prior art, and other claims rejected solely on the grounds that they were dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Applicant, well within the statutory period for response, filed an Amendment, dated 01/23/04 and a transmittal form, and sent the material to the Patent Office. Copies of all the above material, including

the United States Post Office Express Mail receipt dated January 23, 2004 are enclosed, as well as a postcard acknowledgment dated January 23, 2004 from the United States Patent and Trademark Office.

From this material, it is clear that Applicant timely responded to the Office letter of January 6, 2004, and that the Patent Office not only received the documents, but acknowledged such receipt by stamping the postcard.

A copy of the United States Post Office Express Mail receipt, dated 9/24/04 (the date of the mailing of the Petition), is enclosed, together with a copy of the PTO aknowledgement of Application's postcard accompanying the Petition, also bearing the September 24, 2004 date.

No action was received from the PTO on the Petition, and on or about September 18, 2006, Applicant's counsel phoned the Petitions Office and spoke to a Denise Pothier, a Petitions Examiner, who stated that the Petition we had filed two years earlier had not been signed, and requested me to fax her a signed copy of our Petition to Revive and all of the supporting material previously submitted with our Petition on September 14, 2004. On September 18, 2006, a 23 page fax was sent to Examiner Pothier. A copy of the latter and a copy of the fax log is enclosed. The other 22 pages consisted of copies of the original material submitted with the Petition.

On October 30, 2006, a decision dismissing our Petition was issued on the ground that the Petition does not contain a signature. This requirement was fully met with the material sent to Petitions Examiner Pothier on September 18, 2006. It is my understanding that Mr. Cliff Congo, the Petitions Attorneys signing the October 30, 2006 decision was unaware of my faxed material sent to Petitions Examiner Pothier.

The present renewed Petition includes a signature by counsel, and it is now believed that this Petition should be granted, and such action is respectfully requested.

It is accordingly requested that this application be reinstated and that a further action on the merits of the case be sent out, which should be a Notice of Allowance since the one rejected claim was

cancelled, and the formal objections complied with.

If, for any reason, this renewed Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137(a) or (b) and any charges or fees in connection with the same may be charged to Applicant's account in the United States Patent Office, No. 26-0265.

Dated: November 8, 2006

Respectfully submitted,

Harris Zimmerman

Registration No. 16,437

1330 Broadway, Suite 710

Oakland, California 94612

(510) 465-0828

Attorney for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 8, 2006

Date: November 8, 2006

man, Esq., Attorney for Applicant

Registration No. 16,437

ZIMMERMAN & CRONEN, LLP

ATTORNEYS AT LAW

1330 BROADWAY, SUITE 710 OAKLAND, CALIFORNIA 94612

(510) 465-0828 FAX: (510) 465-2041

ZIMPAT@ZIMPATENT.COM

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Denise Pothier

HARRIS ZIMMERMAN

MICHAEL JAMES CRONEN

Fax # (571) 273-4787

Petitions Examiner

Re; Petition to Revive U.S. Ser. 09/928,726, filed 08/31/2001 (Docket 4143/CIP-3)

Dear Ms Pothier:

Thank you for the telephone call today. In accordance with your request, I am enclosing a complete copy of our Petition to Revive, a copy of the Petition signed by me, and all of the supporting material previously submitted on September 14, 2004.

I hope that the matter can now be expeditiously handled, and a patent issued in due course to the Applicant. As previously authorized in the Fee Transmittal Form, any additional fees may be charged to my Deposit Account.

Thank you for your cooperation.

Harris Zipamerman

HP Fax K1220

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Commissioner & Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Re: Serial No. 09/928,726 Filed: 08/31/2001 September 24, 2004

Docket No. 4143/CIP-3
(Jaeger)

Enclosed is a Transmittal Form, a Petition to Revive and a Fee transmittal Form.

Kindly acknowledge receipt of the above by stamping the date on this card and returning the same to me. Thank you. Harris Zimmerman



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Name (Print/Type) Harrig Zimmerman	negr	ON CHOIL IAO	16 43	7 Telephone 510-465-082	28

Name (Print/Type) Harris Zimmerman Registration No. (Attorney/Agent) 16,437 Telephone 510-465-0828

Signature Date 09/24/2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denny Jaeger Examiner: Alexander Eisen

Serial No. 09/928,726 Filed 08/13/2001

For: Method and Apparatus for Detecting Activation Group Art Unit: 2674

of a Controller Device

Docket 4143/CIP-3

NOV 1 4 2006

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

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PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO F.R.C.P. §1.181

This Petition is respectfully submitted to revive an allegedly abandoned application above identified.

On September 14, 2004, the PTO issued a "Notice of Abandonment", stating that the application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 06 January 2004."

This Notice of Abandonment was obviously sent out in error for the following reasons:

On January 6, 2004, the examiner, Alexander Eisen, issued an Office Action in which certain claims were allowed, one claim was rejected over the prior art, and other claims rejected solely on the grounds that they were dependent upon rejected base claims, but would be allowable if rewritten in independent form.

Applicant, well within the statutory period for response, filed an Amendment, dated 01/23/04 and a transmittal form, and sent the material to the Patent Office. Copies of all the above material, including the United States Post Office Express Mail receipt dated January 23, 2004 are enclosed, as well as a postcard acknowledgment dated January 23, 2004 from the United States Patent and Trademark Office.

From this material, it is clear that Applicant timely responded to the Office letter of January 6,

.2004 and that the Patent Office not only received the documents, but acknowledged such receipt by stamping the postcard.

It is accordingly requested that this application be reinstated and that a further action on the merits of the case be sent out, which should be a Notice of Allowance since the one rejected claim was cancelled, and the formal objections complied with.

If, for any reason, this Petition to withdraw the holding of abandonment is denied, it is requested that this same Petition be considered a Petition to Revive under 37 C.F.R. §1.137(a) or (b) and any charges or fees in connection with the same may be charged to Applicant's account in the United States Patent Office, No. 26-0265.

As stated above, copies of all the relevant documents referred to above, including the Amendment which was submitted by Applicant's counsel on January 23, 2004 are enclosed.

Dated: September 24, 2004

Respectfully submitted,

Harris Zimmerman

Registration No. 16,437

1330 Broadway, Suite 710

Oakland, California 94612

(510) 465-0828

Attorney for Patentee

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 24, 2004

Date: September 24, 2004

Harris Zimmerman, Esq., Attorney for Patentee

Registration No. 16,437

•Please find below and/or attached an Office communication concerning this application or proceeding.

HARRIS ZIMMERMAN

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Application No.	Applicant(s)	
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Examiner	Art Unit	••
Alexander Fisen	2674	

Notice of Abandonme -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--This application is abandoned in view of: 1. Applicant's failure to timely file a proper reply to the Office letter mailed on 06 January 2004. (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____ (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the nonfinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) No reply has been received. 2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) The submitted fee of \$____ is insufficient. A balance of \$____ is due. The issue fee required by 37 CFR 1.18 is \$____. The publication fee, if required by 37 CFR 1.18(d), is \$____. (c) \square The issue fee and publication fee, if applicable, has not been received. 3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) No corrected drawings have been received. 4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. 5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. 6. The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7. The reason(s) below:

Alexander Eisen Primary Examiner Art Unit: 2674

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Commissioner & Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Re: Serial No. 09/928,726

Filed: 08/13/2001 Inventor: Jaeger .lanuary 23, 2004

Docket No. 4143/CIP-3 (Jaeger)

Enclosed is an Transmittal Form, Amendment After Final Rejection, and Reply Card.

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TRANSMINE TO THE FORM (to be used for all correspondence after initial filing)			Application Number Filling Date First Named Inventor Art Unit Examiner Name	09/92/ 08/13/ Jaege 2674	09/928,726 08/13/2001 RECEIVE Jaeger			
To	tal Number of Pages	in This Submission	12	Attorney Docket Number	+	4143/CIP-3 OFFICE OF PETITION		
Fee Attached Licensing-related Papers To Technology C Appeal Commun of Appeals and II Appeal Commun					ommunication to Board s and Interferences ommunication to TC tice, Brief, Repty Brief) y Information ter losure(s) (please low):			
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	Firm or Individual name Signature Harris Zimmerman Law Offices of Harris Zimmerman							
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Typed	yped or printed name Jennifer L. Lynx							
Signatu	ignature Date January 23, 2004							

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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